

## **MINUTES**

**TENNESSEE SOLID WASTE DISPOSAL CONTROL BOARD MEETING  
RUTH NEFF CONFERENCE ROOM  
17<sup>TH</sup> FLOOR, L & C TOWER  
401 CHURCH STREET  
NASHVILLE, TENNESSEE  
JUNE 6, 2006**

**Board Members Present:**

Mr. J.P. Newman, Chairman

Mr. Mike Apple

Ms. Elaine Boyd

Mr. Kenneth Donaldson

Dr. Greg Nail

Mr. Jack O'Grady

Ms. Sherry Sloan

Mr. Wilton Burnett

**Board Members Absent:**

Mr. John Barker

Ms. Melissa Bryant

Mr. Knox Horner

Mr. Dave Wallace

After noting a quorum was present, Mr. Newman called the meeting to order at 9:05 a.m.

**I. SOLID WASTE DISPOSAL CONTROL BOARD MATTERS**

**A. Approval of Minutes from May 2, 2006, Board Meeting**

Mr. O'Grady raised a question as to the actual date of the Minutes which had been approved for the previous meeting. It was agreed that the correct date should have been February 7, 2006, instead of the May 2<sup>nd</sup> date that was actually typed in the Minutes.

A question was raised about the 'submitted by' and 'approved by' dates on the last page of the Minutes. After discussion, Mr. Burnett made a motion to approve the Minutes subject to the discussed change. Mr. Donaldson seconded the motion with unanimous approval by the Board.

**B. Election of Board Officers**

With Mr. Newman retiring from the Board and this being his last meeting, nominations were entertained for a new chairman and vice-chairman. Mr. Burnett nominated Mr. O'Grady to be the new Chairman; Mr. Donaldson seconded. It was unanimously approved.

Dr. Nail nominated Mr. Donaldson as 1<sup>st</sup> Vice Chair; Mr. O'Grady seconded. Motion was approved by unanimous vote.

Ms. Sloan was nominated by Mr. Newman as 2<sup>nd</sup> Vice Chair; Mr. Burnett seconded; and the motion was carried unanimously.

Mr. Newman introduced the newest member of the Board, representing the Commissioner's office. Ms. Elaine Boyd replaces Mr. Ken Pointer.

**C. General Business/Staff Reports**

None

**D. Regulatory Matters**

The Chairman made inquiry as to Mr. Jerry Ingram speaking at this time in the meeting, but was informed that he would speak under "Other Business".

**E. Agreed/Consent Orders**

Mr. Sam Wallace summarized the Agreed Order in the case of Carolyn and Troy Keele, Case 06-0130, SWM/Coffee County. They are in violation by operating a solid waste disposal site without a permit. They have agreed to immediately cease from accepting any more solid waste. There was discussion regarding the difference, if any, from the original Director's order.

Teresa Boyers, attorney for the Department of Solid Waste Management, explained the first two violations and that the Keeles were allowed to clean up the property to the Department's satisfaction. There were

questions from the Board that Ms. Boyers asked be addressed by Chad Alsup, Field Inspector, from the Columbia office.

Ms. Sloan raised questions regarding the Board's authority as to this Agreed Order. Chairman Newman explained it could be rejected and a new order requested.

Attorney Darren Olson, Attorney for Mr. Randy Keele, spoke in opposition to the Agreed Order. It is his belief that the Agreed Order is insufficient, not strong enough and doesn't help remediate the ongoing problem. He appeared before the Board in hopes that the Board would help remediate what is now on site.

The question was raised as to procedural problems with accepting other evidence and allowing speakers to appear regarding the Agreed Order. It was agreed that since we are not accepting any evidence, only listening to concerns, that there should not be any problems.

Mr. Randy Keele, neighbor of the Defendant, spoke in opposition to the Agreed Order. He presented pictures of the property and a water report of his own well which tested positive. There were questions from different members of the Board which were answered by Mr. Keele.

Mr. Mike Apple spoke in reference to the difficulties of the State to clean up some of these dump sites because of the many different problems they present. Some of the problems are not covered under the Solid Waste Act. It is hard to place a priority on going out and digging up a site and getting the legal issues resolved. Sometimes we use the civil penalties leverage to get people to clean up the entire site. Also, in many cases, until we issue an order, we can't get any action at all. Then if they follow through and clean it up, we forgo the civil penalties. If the Board wants the Department to be more aggressive in future violations, we certainly could do that.

After further discussion, Chairman Newman entertained a Motion to approve the Agreed Order. Mr. Burnett moved to approve; seconded by Mr. O'Grady; with unanimous agreement by the members of the Board.

**F. Other Business**

Mr. Jerry Ingram updated the Board on recent regulations, specifically RCRA Cluster XIV and Revision 'z'. He presented a handout for review by the Board. There had been a request to keep the Board updated on the April 4 regulations. He explained that no decisions have been made. He will keep the Board advised as to what we need to include in our regulations based upon that Federal Register.

Mr. Apple announced that the Solid Waste Disposal Control Board was re-authorized by the Senate Government Operations Committee on the last day of their session. There will be a Board next year. The salary increases for the state employees were based on the ratio of funding of State dollars vs EPA dollars. Therefore, we may possibly have to ask for some adjustments in the fees this coming year to pay for these salaries that will be required of the Division. Also, this week we are having a hazardous waste annual review by EPA. In the last 5-6 years, we have gotten excellent reviews. We have had a good working relationship with EPA.

Mr. Apple thanked Chairman Newman for his years of service working with the Board and how much he appreciated working with him.

There being no further business, the meeting adjourned at 10:20 a.m.

**SUBMITTED BY:**

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**Mike Apple, Technical Secretary**

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**Date**

**APPROVED BY:**

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**Jack O'Grady, Chairman  
Solid Waste Disposal Control Board**

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**Date**